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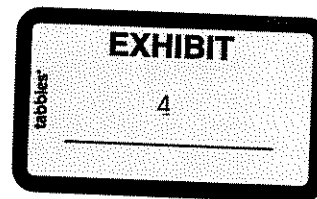
June 29, 2007

*Via Email and Mail*

J. Trevor Hammons  
State of Oklahoma  
Assistant Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105

Re: *State of Oklahoma v. Tyson*  
Our File No. 1790-2

Dear Trevor:



We are in receipt of your June 25<sup>th</sup> e-mail concerning a potential date for the hard copy production of documents at Oklahoma Department of Agriculture, Food & Forestry ("ODAFF"). We have been requesting a schedule for the remaining agency document productions since our January 24, 2007 meet and confer with all Defendants to discuss the production of documents at ODAFF. During the teleconference on June 22, we believed that the State would finally provide a schedule of the remaining agency document productions by June 25<sup>th</sup>. Instead, we received notice of one potential date in July for one agency. We continue to request a complete schedule with confirmed dates for the hard copy production of documents at ODAFF, ODTR, and ODWC, as well as the local/regional/field offices of the ODEQ, OWRB, and ODAFF. For planning purposes, we have advised you of additional agencies and offices that we believe may contain information responsive to our discovery requests, including Oklahoma Department of Mines, Oklahoma Department of Health, Oklahoma Corporation Commission, Oklahoma Geological Survey, and Oklahoma Biological Survey.

The Cargill Defendants served their amended interrogatories and document requests on August 22, 2006. In response, the State directed the Cargill Defendants to documents maintained at eight state agencies and offices: ODAFF; ODTR; ODWC; Oklahoma Department of Environmental Quality ("ODEQ"); Oklahoma Water Resources Board ("OWRB"); Oklahoma Conservation Commission ("OCC"); Oklahoma Scenic Rivers Commission ("OSRC"); and the Office of the Secretary of the Environment ("OSE"). In ten months, the State has made hard copy productions at the following agencies: ODEQ on November 17, 2006; OWRB on December 18, 2006; OCC on January 9, 2007; OSE on March 15, 2007; OSRC initially on

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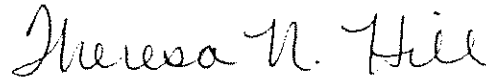
February 5, 2007, and once the State completed its review for privilege, we returned to OSRC on May 9, 2007. The State's production of documents in response to the Cargill Defendants August 22, 2006 written discovery remains incomplete, and the productions that have been made remain deficient, as confirmed by Judge Joyner during the June 28, 2007 hearing. See Court's Order on the Cargill Defendants' Motion to Compel, Dkt. # 1150, and Dkt. #1199 Minutes of Proceedings on 6/28/07.

As to the State's ESI, your letter of June 21<sup>st</sup> and the parties' teleconference on June 22, 2007, the State informed all of the Defendants for the first time you intend to make ESI production on July 2<sup>nd</sup> only as to OSRC, ODEQ, OWRB, OSE, and OCC. The Cargill Defendants and others noted their objections to the State's unilateral attempt to narrow the scope of the July 2, 2007 ESI production. On April 27, 2007, when we announced our agreement to the Court, there was no discussion of limiting the ESI production to only four agencies. Nevertheless, given the representations made by the State at the June 28th hearing, we now understand that the State is proposing to produce the first portion of its ESI on July 2nd and that all other responsive ESI possessed by the State (not just the four identified agencies) will be produced on August 1st.

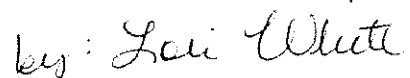
At the current pace of hardcopy productions, the State will not complete its production in response to our first set of discovery until well into 2008, and likely past the expert disclosure deadlines established by the Court. We do not believe that such an elongated response process is anticipated by the Court, or permitted by the Federal Rules of Civil Procedure and interpreting case law.

We believe that we have satisfied our obligation to meet and confer in good faith with the State. We have attempted to work together to arrive at a reasonable schedule, but are frustrated with the lack of progress. The State's inability to complete its document production in response to Cargill's first set of discovery is prejudicing the Cargill Defendants' ability to comply with the Scheduling Order in this case. We ask once more time for the State to provide us with their proposed schedule for completing production as to all responsive information available at the identified State agencies and offices. If we do not hear from you by July 6th, we will have no choice but to address our concerns to the Court.

Sincerely,



THERESA NOBLE HILL

by: 

TNH:law  
cc: Richard Garren